

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOSEPH T. BAILEY,

Petitioner,

CASE NO. 2:08-cv-839
JUDGE HOLSCHUH
MAGISTRATE JUDGE KEMP

v.

MICHELE EBERLIN, Warden,

Respondent.

OPINION AND ORDER

On June 4, 2009, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 be dismissed. Although the parties were advised of the right to object to the Magistrate Judge's *Report and Recommendation*, and of the consequences of failing to do so, no objections have been filed.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

IT IS SO ORDERED.

Date: August 11, 2009

/s/ John D. Holschuh
JOHN D. HOLSCHUH
United States District Judge